

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05cv275**

**VIRGIL H. COOK and spouse, EMMA J.  
COOK, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,**

**Plaintiffs,**

**Vs.**

**GUIDANT CORPORATION; and  
GUIDANT SALES CORPORATION,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the court on defendants' Motion for Entry of Order for Extension of Deadlines to Answer or Otherwise Respond and to Participate in Pretrial Proceedings Pending J.P.M.L. Determination. For good cause shown, the Court finds and orders that the deadline by which Defendants must answer or otherwise respond to Plaintiffs' Complaint in this action is as follows: (a) if those motions to transfer and consolidate are *granted* by the J.P.M.L., a deadline set by the transferee court; or (b) if those motions are *denied* by the J.P.M.L., thirty (30) days after such denial. The court denies any enlargement of time concerning Rules 16 and 26 inasmuch as this court takes the position that court-enforceable discovery does not commence until entry of the Pretrial Order.

**Signed: October 20, 2005**

*Dennis L. Howell*

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Dennis L. Howell  
United States Magistrate Judge

